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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Katherine Falsone-Krynski,

Plaintiff,

vs.

**B and B Department Stores
South LLC**

Civil Action Number:

**Complaint
and Jury Demand**

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Katherine Falsone-Krynski, is a citizen of the Commonwealth of Pennsylvania, who resides at 23104 Ann's Choice Way, Warminster, PA 18974.
2. Defendant B and B Department Stores South LLC is New Jersey Limited Liability Company, which operates or operated various stores in New Jersey, including a store located at 827 Asbury Avenue, Ocean City, New Jersey. The sole member of B and B Department Stores South LLC is Helen Wright Bertole, who is a citizen of new Jersey, who resides at 701 Grassmere Avenue, Interlaken NJ 07712.
3. This Court has jurisdiction of this matter pursuant to 28 U.S.C. 1332, as Plaintiff, Katherine Falsone-Krynski, is a resident of the Commonwealth of Pennsylvania and Defendant, B and B Department Stores South LLC, is a

citizen of New Jersey as its sole member is a New Jersey citizen. The matter in controversy between the Plaintiff and Defendant exceeds the sum of \$75,000.00.

4. Venue is properly laid in this Court because the acts giving rise to the Complaint occurred in Ocean City, New Jersey.

COUNT ONE

(NEGLIGENCE)

5. On July 29, 2021. Plaintiff, Katherine Falsone-Krynski, was walking in an aisle in defendant's Ocean City store, when she was caused to trip and fall as a result of a crate protruding from underneath a table or counter on which merchandise was located. The location of the crate constituted a dangerous and unsafe condition for customers, like Plaintiff, who were traversing the aisles of the store while shopping.

6. On and before July 29, 2021, the Defendant, B and B Department Stores South LLC, individually and by its servants, agents, or employees, owned, managed, operated, supervised, controlled, leased, possessed, and were responsible for the maintenance of the store located at 827 Asbury Ave, Ocean City, New Jersey.

7. At all times relevant the Defendants, B and B Department Stores South LLC, and their servants, agents, employees or representatives, were under a duty to properly operate, construct, control, maintain, manage, lease, supervise, inspect, service, repair and maintain the premises of its Ocean City store in a reasonably safe condition for the use of persons, including Plaintiff.

8. At all times relevant times, Defendant, B and B Department Stores South LLC, and its servants, agents, employees or representatives, were careless, reckless, and negligent in their ownership, operation, leasing, possession, use, construction, repair, inspection, supervision, management and maintenance of the premises by causing and permitting to be present upon the premises, a hazardous, unsafe or dangerous condition or conditions, to wit, a crate protruding from underneath a table or counter on which merchandise was located.

9. As a direct and proximate result of the negligent acts or omissions of the Defendant, Plaintiff on July 29, 2021 was caused to fall and sustain serious injuries to her right upper extremity.

10. As a direct and proximate result of the foregoing, the Plaintiff, Katherine Falsone-Krynski, suffered personal injuries, and has and may in the future be obliged to undergo medical care and to incur expenses for same.

WHEREFORE, Plaintiff, Katherine Falsone-Krynski, hereby demands judgment for damages, together with costs of suit and interest, against the Defendants, B and B Department Stores South LLC.

JURY DEMAND

Plaintiff, Katherine Falsone-Krynski, hereby demands a trial by jury on all issues.

Dated: 3/7/22

s/ *Thaddeus P. Mikulski, Jr.*
Thaddeus P. Mikulski, Jr.